IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14186 of 2005

Between:

M.Chander, (Major), S/o.Sivaram,
Fatalpur Gram Panchayat, Bichkunda Mandal, Nizamabad District

..... PETITIONER

AND

1 District Collector (P.T.Wing), Nizambad District.
2 District Panchayat Officer, Nizambad District at Nizamabad.
3 Divisional Panchayat Officer, Bodhan, Nizamabad District at Bodhan.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order, or direction, more particularly one in the nature of writ of Mandamus, declaring the Proceedings of the Respondent No.1 made in Proceedings No.8/2005-D5/PT., dt.1-6-2005 as bad, illegal and violative of Article 14 and 21 of the Constitution of India, and also against the principles of natural justice.

Counsel for the Petitioner:MR P.V.SANJEEVA RAO

Counsel for the Respondent NoS.1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

O R D E R:

This writ petition is filed for declaring the proceedings issued by the first respondent, dated 01.06.2005 as illegal and also against the principles of natural justice.

It is the case of the petitioner that he was elected as Sarpanch of Fatalapur Gram Panchayat, Bichkunda Mandal, Nizamabad District, which was reserved for SC/ST and since the date of election, he has been discharging his duties without any complaint. As the matter stood thus, on 29.04.2005, 1st respondent-District Collector, Nizamabad District issued a show cause notice to the petitioner alleging certain irregularities on the part of the petitioner with regard to the misappropriation of funds of the Gram Panchayat, Fatalapur, to a tune of Rs.1.3 lakhs. There after, he was suspended for a period of three months. It is also the case of the petitioner that though he filed a representation before the authorities seeking to grant some time to the petitioner for submitting the bills, the respondent authorities without considering the matter of the petitioner, passed the impugned proceedings, dated 01.06.2005, removing the services of the petitioner. Hence, this writ petition is filed.

The learned Government Pleader for Panchayat Raj submits that under Section 249 (7) of the Panchayat Raj Act (For short the 'Act') an alternative remedy is available to the petitioner.

In view of the above, the writ petition is dismissed. However, if the petitioner is so advised, he can approach the appellate authority as per the provisions of the said Act. No costs.

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E.DHARMA RAO J.,

Dt.01.07.2005

tjs

To

1)The District Collector (P & T) Wing, Nizamabad District.

2 The District Panchayat Officer, Nizamabad District, Nizamabad.

3) Divisional Panchayat Officer, Bodhan, Nizamabad District, Bodhan.

4) 2 C.Cs to the G.P. for Panchayat Raj, High Court of A.P., Hyderabad (OUT)

5) 2 CD copies.